

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to claims 1 and 3 because the same recite, "medical guide wire comprising" on lines 3-4 thereof. In response, claims 1 and 3 have been amended to delete the objectionable phraseology. Accordingly, it is respectfully requested that the objection to claims 1 and 3 be withdrawn.

In the Official Action, the Examiner rejects claims 1-4, 6, 9 and 10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2004/0267162 to Soukup et al., (hereinafter "Soukup"). Additionally, the Examiner rejects claims 1-6, 13 and 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,902,254 to Magram (hereinafter "Magram"). Further, the Examiner rejects claims 1-3, 6 and 7 under 35 U.S.C. § 102(a and e) as being anticipated by U.S. Patent No. 6,146,339 to Biagtan et al., (hereinafter "Biagtan"). Still further, the Examiner rejects claims 1, 3, 4, 8, 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,762,070 to Nagamatsu (hereinafter "Nagamatsu"). Still further yet, the Examiner rejects claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Soukup in view of Magram. Lastly, the Examiner rejects claims 1, 3, 4, 10-12, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Nagamatsu in view of U.S. Patent No. 6,096,009 to Windheuser et al., (hereinafter "Windheuser").

In response, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 102(a), 102(b), 102(e) and 103(a) for at least the reasons set forth below. However, independent claims 1 and 15 have been amended to clarify their distinguishing features. The dependent claims have also been amended, where necessary, to be consistent with their amended base claims. The amendments to the claims are fully supported in the

original disclosure. Thus, no new matter has been entered into the disclosure by way of the present amendment.

Turning now to the guide wire and endoscope using a guide wire as recited in the claims, the distal end portion of the retainer provided on the guide wire is coupled only to the distal end of the guide wire body and the proximal end of the extended retainer is retained by the operator. In a state in which the appliance is guided by the guide wire body (e.g., the appliance is covered from the proximal end portion side of the guide wire body as shown in FIG. 6), the retainer is arranged outside the appliance. Thus, when the appliance is guided, the proximal end portion of the retainer is retained such that the relative movement of the guide wire body and the endoscope can be restricted.

When the appliance such as a catheter is inserted into or removed from the channel of the endoscope by means of the guide wire body, the position of the guide wire body can be fixed so as not to change the relative position of the guide wire body to the channel of the endoscope by retaining the proximal end portion side of the retaining wire while the distal end portion of the guide wire body projects by a predetermined length from the channel of the endoscope. Since insertion or removal of the appliance such as a catheter can be executed in this state, the length of the guide wire body can be made shorter than a conventional guide wire, and the appliance can be replaced in a shorter time, with more ease. In addition, since assistants required for the replacement can be reduced by one, or no assistants may be required, labor costs can be reduced. Moreover, since the configuration on the appliance side does not need to be changed at all, the conventional appliance can be utilized, and the appliance replacement operation can be easily carried out without interfering

with the conventional operating method or the sense of operation (see the specification from page 24, line 10 to page 25, line 11).

Turning now to the prior art, Soukup discloses an adjustable stylet comprising a guide wire body (12) and a fixing portion (14). The fixing portion (14) is formed of a coil-like member arranged to surround the guide wire body (12). The rigidity and length of the adjustable stylet can be varied by compressing or expanding the coil of the fixing portion (14).

Unlike the guide wire body recited in the claims, the guide wire body (12) of Soukup does not guide the appliance to be inserted into a human body. In addition, the fixing portion (14), unlike the retainer recited in the claims, does not fix the position of the guide wire body so as not to change the relative position of the guide wire body to the channel of the endoscope. Soukup is therefore very different in configuration from that recited in the claims.

Figure 13 of Magram illustrates a catheter guidewire comprising a guide wire body (151) and a fixing portion (162). A central bore (154) is formed on the guide wire body (151). The fixing portion (162) is inserted into the central bore (154). For this reason, unlike the present invention, the retainer is not arranged outside the guide wire body, or is not retained in the state of being arranged outside the appliance when the appliance is guided to the guide wire body. Magram is therefore also very different in configuration from that recited in the claims.

Moreover, Magram does not disclose or suggest the usage of the guide wire as recited in the claims that when the appliance, such as a catheter is inserted into or removed from the channel of the endoscope by means of the guide wire body, the position of the guide wire body is fixed so as not to change the relative position of the guide wire body to the

channel of the endoscope by retaining the proximal end portion side of the retaining wire while the distal end portion of the guide wire body projects by a predetermined length from the channel of the endoscope.

Figure 1 of Biagtan illustrates a flexible guide wire having a guide wire body (18) and a fixing portion (12) and comprising a rigidity adjusting function. In the device of Biagtan, both the guide wire body (18) and the fixing portion (12) are inserted into a lumen of an appliance, such as a catheter, to be guided and to be inserted into a human body by means of the guide wire. Thus, Biagtan is different in configuration from that recited in the claims, wherein the guide wire body alone is inserted into the lumen of the appliance such as a catheter to be guided and to be inserted into a human body and the retaining wire is retained in a state of being not inserted into the lumen of the appliance.

Moreover, Biagtan does not disclose or suggest the usage of the guide wire recited in the claims that when the appliance, such as a catheter is inserted into or removed from the channel of the endoscope by means of the guide wire body, the position of the guide wire body is fixed so as not to change the relative position of the guide wire body to the channel of the endoscope by retaining the proximal end portion side of the retaining wire while the distal end portion of the guide wire body projects by a predetermined length from the channel of the endoscope.

In Figure 1 of Nagamatsu, bores (18a, 18b) are formed on a biopsy cup (11b) of a biopsy forceps (1) to be inserted into a channel (21) of an endoscope (20). A guide wire (19) is passed through the bores (18a, 18b) and the insertion of the biopsy forceps (1) is guided by the guide wire (19). In a biopsy forceps (50) illustrated in Figure 10, two lacunae (52, 53) are formed in a tube (51). An operation wire (65), which is used to open and close

biopsy cups (54, 55), is inserted into the lacuna (52) while a guide wire (61) is inserted into the lacuna (53) of the tube (51) so as to be freely movable. For this reason, the distal end of the guide wire (61) is not fixed. Therefore, Nagamatsu does not disclose the retaining wire recited in the claims.

Windheuser discloses a locking device (320) attached to a side port (356) of an endoscope (350). A J-shaped guide wire opening (362) is formed on the locking device (320). An end portion of a guide wire (366) inserted through a side port opening (354) of the side port (356) is engaged with the J-shaped guide wire opening (362) of the locking device (320), as a wire fixing device. However, Windheuser does not disclose or suggest the retaining wire as recited in the claims.

Thus, the cited references do not disclose or suggest the retainer arranged outside the appliance in a state of guiding the appliance as recited in the claims. To clarify such features, claims 1 and 15 have been amended to recite "the retainer being arranged outside the bore of the appliance in a state in which the guide wire body is inserted through the bore of the appliance to guide the appliance."

With regard to the rejections of claims 1-7, 9, 10, 13 and 14 under 35 U.S.C. §§ 102(a), 102(b), and 102(e), a guide wire having the features discussed above and as recited in independent claim 1 is nowhere disclosed in either Soukup, Magram, or Biagtan. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"¹ independent claim 1 is not anticipated by either Soukup, Magram, or Biagtan. Accordingly, independent claim 1 patentably distinguishes over each of Soukup, Magram, and Biagtan and

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

is allowable. Claims 2-7, 9, 10, 13, and 14 being dependent upon claim 1 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1-7, 9, 10, 13 and 14 under 35 U.S.C. §§ 102(a), 102(b), and 102(e).

With regard to the rejection of claims 1, 3, 4, 8, 15 and 16 under 35 U.S.C. § 102(b), a guide wire or endoscope using a guide wire having the features discussed above and as recited in independent claims 1 and 15 is nowhere disclosed in Nagamatsu. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”² independent claims 1 and 15 are not anticipated by Nagamatsu. Accordingly, independent claims 1 and 15 patentably distinguish over Nagamatsu and are allowable. Claims 3, 4, 8, and 16 being dependent upon claims 1 and 15 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1, 3, 4, 8, 15 and 16 under 35 U.S.C. § 102(b).

With regard to the rejection of claims 13 and 14 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claims 13 and 14 are at least allowable therewith because they depend from an allowable base claim.

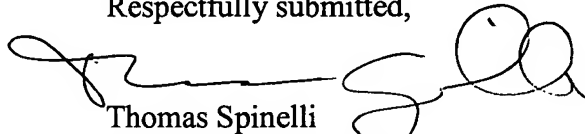
With regard to the rejection of claims 1, 3, 4, 10-12, 15 and 16 under 35 U.S.C. § 103(a), independent claims 1 and 15 are not rendered obvious by the cited references because neither the Nagamatsu patent nor the Windheuser patent, whether taken alone or in combination, teach or suggest a guide wire or endoscope using a guide wire having the features discussed above. Accordingly, claims 1 and 15 patentably distinguish over the prior art and are allowable. Claims 3, 4, 10-12 and 16 being dependent upon claims 1 and 15; are

² Id.

thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 3, 4, 10-12, 15 and 16 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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